

Serial No.: 10/753,906
Filed: Jan. 7, 2004

Remarks

By this amendment, Applicant cancels claims 15, 16, 18, and 19 to more particularly set forth the present invention. No new matter is added by this amendment. The following claims remain in the application:

Independent claims: 15, 18, 21.

Dependent claims: 16, 17, 19, 20.

In preliminary matters, Applicant has amended claims 15, 16, 18, and 19 as suggested by Examiner. Applicant respectfully submits that the objections to those claims be withdrawn.

As Examiner is aware, the claimed invention is a gaming machine and method for operating a secondary game that is separately displayed and separately triggered from a primary game. That is, the processor selects, *independent of the primary game outcome*, between a secondary game trigger or no trigger condition. If the secondary game trigger condition is selected, the secondary game is conducted at the secondary display.

Examiner has rejected claims 15–21 relying on Maya as disclosing the triggering of a secondary game independent of a primary game. Specifically, Examiner points to the use of the phrase “random award” in paragraph [0077] of Maya.

Applicant respectfully submits that Maya does not disclose triggering a secondary award independent of a primary game outcome. Maya’s use of the phrase “random award” refers to an occurrence during a primary game, *not* an occurrence independent of a primary game. That is, the entire sentence reads: “In another embodiment, the triggering event or qualifying condition may be by exceeding a certain amount of game play (number of games, number of credits, amount of time), reaching a specified number of points earned during game play or as a random award.” It is apparent that “random award” refers to a way of “reaching a specified number of

points.” In other words, the sentence states that a triggering event can take two forms—“exceeding a certain amount of game play” or “reaching a specified number of points.” A player “reach[es] a specified number of points” by earning them during game play or by receiving them as a random award. As Examiner can appreciate, in either case, it is an event during the primary game that triggers the secondary game and, consequently, Maya cannot be said to disclose or suggest triggering of a secondary game independent of a primary game.

Additionally, Maya does not provide a game machine in which a processor selects between a secondary game trigger or no trigger condition “in response to the prompting of play” *on each play*. Rather, Maya shows a game in which a counter counts toward a trigger condition. Therefore, in Maya, there is not an equal chance on each play that a secondary game will be triggered. To the contrary, in Maya, there is an increasing chance on each play in which a secondary game was not triggered, that the next game will result in the triggering of a secondary game. That is, Maya specifically describes the triggering of a secondary condition upon “exceeding a certain amount of game play.” Thus, if a secondary game is not triggered over a quantity of primary games, the player knows that each successive game played increases the chance that the counter will exceed the “certain amount of game play” needed to trigger the secondary game.

Specifically, in the embodiment on which Examiner focuses, the trigger condition is a predetermined quantity of points and the quantity of points awarded on each primary game is randomly determined. For example, suppose for the purposes of an example round, the trigger condition is one-hundred points. In a first game, the player may be awarded fifty points; in a second game, the player may be awarded ten points; in a third game, the player may be awarded twelve points; in a fourth game, the player may be awarded ten points; in a fifth game, the player

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Conclusion

Applicant submits that the claims as presented are now in condition for allowance.

Should Examiner believe that a telephone interview would advance the prosecution of this application, the undersigned would invite and request such an interview.

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Respectfully submitted,
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